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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER

WILLIAMS, JOSEPH L

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05 20 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/044,935

Applicant(s)

MAKINO, MITSUYOSHI

Examiner

Joseph L. Williams

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Part number 40 of claim 7 is not in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/228,239, filed on 11 January 1999.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

Regarding page 13, line 2, "Fig. 4" should be "Fig 7".

Regarding page 14, the second full paragraph, the Applicant has referred to scanning electrode (12) as the first sustaining electrode (12). This is inconsistent with the Applicant's specification as a whole. Furthermore, although they are both discharge electrodes, since there is a difference between a scanning electrode and a sustaining electrode, it is improper to interchange the terminology.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claim 10, there is no support in the description or drawings for the claimed "third sustaining electrode".

It appears that because the Applicant interchanges the terms scanning and sustaining electrode, the third sustaining electrode of claim 10 is actual the scanning electrode 12 (see figure 10)

Appropriate correction is required.

#### ***Claim Objections***

5. Claims 7-10 are objected to because of the following informalities: Regarding claim 7, the claim does not end with a period.

Further regarding claim 7, the reference numbers in parentheses do not consistently match any single figure that is the claimed invention. For example, Applicant refers to parts 12 and 13 as the first and second sustaining electrodes, however the reference numbers refer to a prior art figure and further refer to a scanning electrode and a common electrode, respectively.

Due to their dependency, claims 8-10 are necessarily included in this objection.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzaki et al. (US 5,900,694).

8. Regarding claim 7, Matsuzaki ('694) teaches in figures 6a-6c and in column 22, line 50 through column 23, line 55 (Embodiment 6) a plasma display panel (no number) comprising first and second panels (4 and 5), a plurality of display cells (300) sandwiched between the first and second panels (4 and 5) in a matrix and each receiving therein discharge gas, first and second sustaining electrodes (61 and 191) extending in a first direction of the matrix of display cells, and a data electrode (14) extending in a second direction of the matrix of display cells perpendicular to the first direction, the first sustaining electrode (61) being disposed for each row of the matrix of

display cells (electrode (61) is entirely in the discharge space (100)), the second sustaining electrode (191) being disposed for plurality of rows of the matrix display (electrode (191) covers two discharge spaces).

9. Regarding claim 8, Matsuzaki ('694) teaches the first and second sustaining electrodes are disposed on the first panel (4) and the data electrodes (14) are disposed on the second panel (5).

10. Regarding claim 9, Matsuzaki ('694) teaches in figure 2c that the first sustaining electrodes (61) are disposed on the first panel and the second sustaining electrodes (143) and data electrodes (141) are disposed on the second panel. Please note that column 23, lines 47-52 discloses that any previous back plate embodiment can be used with embodiment 6.

11. Regarding claim 10, Matsuzaki ('694) teaches in figure 4 a third sustaining electrode (trigger electrode 144) on the second panel. Please note that column 23, lines 47-52 discloses that any previous back plate embodiment can be used with embodiment 6.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (703) 305-1670. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
**Joseph Williams**

Examiner  
Art Unit 2879  
May 13, 2003